

REMARKS

By this amendment, claims 1, 7, 12, and 39 have been amended. Claims 1-12, 14-17, and 39 are pending in the application. Applicants reserve the right to pursue the original claims and other claims in this and other applications.

Claims 1-12, 14-17, and 39 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Reconsideration is respectfully requested. The claims have been amended to overcome each of the concerns raised in the Office Action. Claims 1, 7, 12, and 39 were previously amended to specify “the same class of compounds” as suggested by the Office Action dated June 8, 2005 in paragraph 3. Description is given at least in paragraphs [0058] - [0059] of the specification of the published application. The phrase, therefore, is clear and definite to those skilled in the art. The claims should not, however, be limited by the description provided in the specification.

Further, the term “source of the control,” used in claims 3, 9, and 15, and understood in light of the specification in Fig. 4 and its description in paragraph [0057], is readable on the organization which designated the compound as a controlled substance. Therefore, the control object code is an identification code unique to the source.

Claim 6 recites “obtaining said respective data sets from an outsourcing company.” This does not conflict with the parent claim because the parent claim’s providing data sets provides the sets for the method, which must be obtained from some source, for example, an outsourcing company.

Claim 14 recites “information about said controlled substances.” This is not indefinite, since “information” can be understood in light of at least paragraphs [0035] -

[0037], and [0040] of the specification. The claims should not, however, be limited by the description provided in the specification.

Claims 1-12, 14-17, and 39 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Sturgeon et al. (US 5,664,112). This rejection is respectfully traversed.

The Office Action acknowledges that Sturgeon et al. (US 5,664,112) discloses a method of integrated Hazardous Materials management (HMM), providing database for materials containing hazardous compounds and grouping controlled (hazardous) substances by Hazard Material Index,

In contrast, the unique identifier in Sturgeon et al. teaches away from the claimed invention because it must be different for each material, whereas the group control number in the claimed invention is the same for materials that share a common component.

It is known that certain components materials (e.g., zinc ions) are harmful to the environment or are dangerous if discharged during a process. The discharge of such components is often controlled. These components may occur in different types of material, and, depending on the properties of that material and the time for process, the amount of discharge of the certain component may vary. For example, a certain harmful component may be discharged by different materials at different stages in a given process. It would be of use to be able to calculate the total amount of harmful component discharged by the process as a whole. The claimed invention achieves this by grouping together materials that have a determined common component that requires control. The groups are categorized by giving each member the same group control number. For example, all materials that may lead to the discharge of a zinc ion are given the same group control number.

The claimed invention provides a method and system for comprehensive management of chemical materials utilizing a database of substances under control containing which of the substances are to be controlled, the substances being categorized by a group control number. In particular, the distinction between substances contained in the chemical materials and substances that are to be controlled is made clear by now calling the substances to be controlled "chemicals" to be controlled.

However, Sturgeon et al. does not disclose giving the same number to each number of a group of materials that share a common component. In Sturgeon et al, the HMM grouping monitors consumption of chemicals and chemical mixtures, using process definitions and using manual draw down for non-process consumption (col. 12, lines 21-31). It indicates a kind of management category which is clearly different from our invention of grouping. Furthermore, Sturgeon et al. does not disclose that analyzing a present amount of said materials in said process and determining a quantity of said controlled substances.

Since Sturgeon et al. does not disclose all the limitations of claims 1, 7, 12, and 39, claims 1, 7, 12, and 39 are not anticipated by Sturgeon et al. Claims 2-6 depend from claim 1 and are patentable at least for the reasons mentioned above. Claims 8-11 depend from claim 7 and are patentable at least for the reasons mentioned above. Claims 14-17 depend from claim 12 and are patentable at least for the reasons mentioned above. Applicants respectfully request that the 35 U.S.C. § 102(b) rejection of claims 1-12, 14-17, and 39 be withdrawn.

Claims 1-12, 14-17, and 39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Leal et al. (US 5,311,437). This rejection is respectfully traversed. In order to establish a *prima facie* case of obviousness "the prior art reference (or references

when combined) must teach or suggest all the claim limitations.” M.P.E.P. §2142. Leal et al., even when considered in combination with the assertions in the Office Action, does not teach or suggest all limitations of independent claims 1, 7, 12, and 39.

The Office Action acknowledges that Leal et al. does not specifically indicate grouping compounds and providing them a common group control number. However, the Office Action suggests that it would have been obvious for any person of ordinary skill in the art, because it helps manage compounds with, e.g., the same toxicological properties.

It is known that certain components materials (e.g., zinc ions) are harmful to the environment or are dangerous if discharged during a process. The discharge of such components is often controlled. These components may occur in different types of material, and, depending on the properties of that material and the time for process, the amount of discharge of the certain component may vary. For example, a certain harmful component may be discharged by different materials at different stages in a given process. It would be of use to be able to calculate the total amount of harmful component discharged by the process as a whole. The claimed invention achieves this by grouping together materials that have a determined common component that requires control. The groups are categorized by giving each member the same group control number. For example, all materials that may lead to the discharge of a zinc ion are given the same group control number.

The claimed invention provides a method and system for comprehensive management of chemical materials utilizing a database of substances under control containing which of the substances are to be controlled, the substances being categorized by a group control number. In particular, the distinction between substances contained in the chemical materials and substances that are to be controlled

is made clear by now calling the substances to be controlled “chemicals” to be controlled.

The unique identifier in Leal et al. teaches away from the claimed invention because it must be different for each material, whereas the group control number in the claimed invention is the same for materials that share a common component.

Additionally, Leal et al. does not disclose giving the same number to each number of a group of materials that share a common component, nor does it indicate that such an idea is obvious. In Leal et al., each material is individually linked to characteristic information e.g. relating to safety. There is no corresponding to another material, and there is certainly no motivation for the skilled person to group materials together in this way using a common group control number. Furthermore, Leal et al. does not disclose that analyzing a present amount of said materials in said process and determining a quantity of said controlled substances.

Since Leal et al. does not teach or suggest all of the limitations of claims 1, 7, 12, and 39, claims 1, 7, 12, and 39 are not obvious over the Leal et al. Claims 2-6 depend from claim 1 and are patentable at least for the reasons mentioned above. Claims 8-11 depend from claim 7 and are patentable at least for the reasons mentioned above. Claims 14-17 depend from claim 12 and are patentable at least for the reasons mentioned above. Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of claims 1-12, 14-17, and 39 be withdrawn.

In view of the above amendment, Applicants believe the pending application is
in condition for allowance.

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Respectfully submitted,

By 

Mark J. Thronson

Registration No.: 33,082

Rachael Lea Leventhal

Registration No.: 54,266

DICKSTEIN SHAPIRO MORIN &

OSHINSKY LLP

2101 L Street NW

Washington, DC 20037-1526

(202) 785-9700

Attorneys for Applicants